IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 240 OF 2005

Sudam S. Pujare .. Appellant

Vs.

The Municipal Corporation
of Gr. Mumbai. .. Respondents

Mr. V.S. Kapse for appellant.
Ms. Geeta Joglekar for Respondents.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2005.

P.C.:

1. Heard the learned counsel for the respective parties.

2. Consequent to the order dated 20/6/2005 passed in this appeal, Ms. Joglekar the learned counsel appearing for the respondent-corporation has not been able to furnish any information regarding the connected suits and the progress of trial therein. On the other hand, Mr. Kapse, the learned counsel appearing for the appellant has shown the oral depositions recorded in Suit No.126 of 1999 and other connected suits. From the said depositions it is

clear that the witness of the defendant-corporation was under examination in chief on 13/1/2005. It is thus clear that connected suits have reached the stage of recording evidence and evidence recording is almost towards the fag end.

3. Mr. Kapse, therefore, prayed for disposal of this appeal by continuing the ad-interim order granted earlier. It is noted that in C.A. No.169 of 2005 whiled granting rule, the parties were directed to maintain status quo till 22/2/2005. The said Civil Application has been allowed by order dated 9/2/2005 but it does not appear from the record that the status quo was continued beyond 22/2/2005 and it appears that on 8/6/2005 a statement was made by the learned counsel for the appellant that the earlier status quo order was in operation and, therefore, it was directed to be continued. Such a statement is not supported by the record. In the pending suit i.e. L.C. Suit No.573 of 2002 the order dated 18th/20th October, 2001 passed by the Assistant Commissioner (G/South) of the respondent-corporation has been challenged and in the connected suits as well similar orders are under

challenge from the same chawl.

4. Taking into consideration the advanced stage of trial in the connected suits, it is hereby directed that L.C. Suit No.573 of 2002 be tagged with L.C. Suit No.126 of 1999 and it be heard and decided on its own merits along with the said suit and other connected suits. In the connected suits the order of status quo is continued and keeping the principle of equity in mind, the order of status quo passed by this court on 9/2/2005 is directed to be continued till the disposal of L.C. Suit No.573 of 2002. Trial of the said suit is hereby expedited. The appeal is disposed off accordingly.

(B.H. Marlapalle,J.)